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6 FIRE CHIEF DARYL OSBY

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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

10  
11 GHELI CARPACCIO, an individual,  
12 Plaintiff,  
13 v.

14 CITY OF LOS ANGELES,  
CALIFORNIA, SERGEANT  
15 CATALDI, in his individual and  
professional capacity, LOS ANGELES  
16 POLICE CHIEF CHARLES BECK, in  
his individual and professional capacity,  
17 LOS ANGELES FIRE CHIEF DERYL  
OSBY, in his individual and  
18 professional capacity, GOOD  
SAMARITAN HOSPITAL LOS  
19 ANGELES, a California corporation  
AND DOES 1 THROUGH 10,  
20 inclusive,

21 Defendants.  
22

CASE NO. CV12-06686RZ

**[PROPOSED] ORDER OF  
DISMISSAL**

[F.R.C.P. Rule 41(a)(1)]

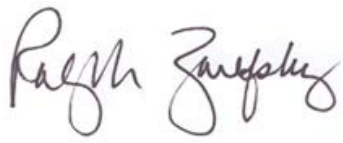
Assigned to the Honorable Ralph  
Zarefsky

Courtroom no. 540

23 In consideration of the stipulation by and between the parties to this action  
24 through their designated counsel that the above-captioned action be dismissed,  
25 pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure with prejudice only  
26 as to defendant Los Angeles County Fire Chief Daryl Osby. This matter is hereby  
27 ordered dismissed as to Defendant Osby.  
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1 IT IS SO ORDERED.

2  
3 DATED: October 03, 2012

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5 By   
6 HON. RALPH ZARESKY  
7 United States Magistrate Judge  
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**PROOF OF SERVICE**

Case No. CV12-6686

STATE OF CALIFORNIA, County of Los Angeles:

Michelle Martinez, states: I am employed in the County of Los Angeles, State of California, over the age of eighteen years and not a party to the within action. My business address is 648 Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012-2713

That on October 2, 2012, I served the attached

**[PROPOSED] ORDER OF DISMISSAL**

upon Interested Party(ies) by placing ☐ the original ☐ a true copy thereof enclosed in a sealed envelope addressed ☐ as follows ☒ as stated on the attached service list:

**Michael R. Merslak**  
**Law Offices of Michael R. Merslak**  
**1809 W. 27th St.**  
**Los Angeles, CA 90018**

☒ **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses on the attached service list (specify one):

(1) ☐ deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.

(2) ☒ placed the envelope for collection and mailing, following ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Los Angeles, California:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 2, 2012, at Los Angeles, California.

\_\_\_\_\_  
Michelle Martinez